

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 395 final

Brussels, 28 June 1982

Draft

## COUNCIL DECISION

concerning the conclusion of a Community-COST Concertation Agreement on  
a concerted action project in the field of the effect of processing on  
the physical properties of foodstuffs (COST Project 90 bis)

(submitted to the Council by the Commission)

COM(82) 395 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Subject : Agreement on a concerted action project in the field of the effect of treatments on physical properties of foodstuffs (COST Project 90 bis) to be concluded between EEC and certain Third States participating in European Cooperation in the field of Scientific and Technical Research (COST).

A first concerted action project in the field of food technology (COST Project 90) was adopted by the Council on 20 February 1978 (1). The Third States participating in European Cooperation in the field of Scientific and Technical Research (COST) were invited to participate in this concerted action project and the relevant agreement was concluded by the Council on 18 December 1979 (2) and signed on 27 March 1980 by the Community, Sweden and Switzerland and on 22 September 1980 by Finland. In view of the very encouraging results obtained in this concerted action project, a draft decision adopting a second Community concerted action project on the effect of treatments on physical properties of foodstuffs (COST Project 90 bis) has just been presented to the Council for adoption (3).

Article 6 of this draft decision makes provision for the Community to conclude, in accordance with Article 228 of the Treaty an agreement with Third States participating in European Cooperation in the field of Scientific and Technical Research with a view to ensuring that the Community project and the corresponding programmes of these states are harmonized. In order that the conclusion of this Agreement is concomitant with the adoption of the abovementioned second Community concerted action project, the Council, by its decision adopted at its meeting on 15 February 1982, has authorized the Commission to negotiate to this effect. The negotiations are now completed and have culminated in the draft agreement annexed to the attached draft Council decision. This agreement, the terms of which are in line with the negotiating directives entrusted by the Council to the Commission, provides for:

- the setting up of a Community-COST Concertation Committee;

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(1) O.J. no. L 54 of 25.2.1978, p. 25

(2) O.J. no. L 39 of 15.2.1980, p. 30

(3) COM (81) 450 final

- concertation within this Committee, secretarial services for which are provided by the Commission, between the Community project and the corresponding programmes of these States;
- financial contribution from each Third State participating in the project equivalent to one-tenth of the Community contribution to the project, i.e. 67,000 ECU.

The following Third States have expressed their desire to participate in this project: Spain, Finland, Sweden and Switzerland.

The Commission requests the Council to adopt the draft decision attached hereto.

Draft Council decision concerning the conclusion of  
a Community-COST Concertation Agreement on a concerted  
action project in the field of the effect of processing  
on the physical properties of foodstuffs (COST Project  
90 bis)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision /EEC of  
adopting a European Economic Community concerted action project on the  
effect of processing on the physical properties of foodstuffs (1), and  
in particular Article 6 thereof,

Having regard to the Council Decision of 15 February 1982 authorizing the  
Commission to negotiate an agreement between the Community and the non-  
member States participating in the European cooperation in the field of  
scientific and technical research for the implementation of a concerted  
action project on the effect of processing on the physical properties of  
foodstuffs,

Having regard to the draft Decision submitted by the Commission,

Whereas the Commission has completed these negotiations,

Whereas this Agreement should be approved,

HAS DECIDED AS FOLLOWS:

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(1) OJ No. L

Article 1

The Community-COST Concertation Agreement on a concerted action project in the field of the effect of processing on the physical properties of foodstuffs (COST Project 90 bis) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at

For the Council  
The President

DRAFT COMMUNITY-COST CONCERNATION AGREEMENT ON A CONCERTED  
ACTION PROJECT IN THE FIELD OF THE EFFECT OF PROCESSING ON  
THE PHYSICAL PROPERTIES OF FOODSTUFFS (COST PROJECT 90 BIS)

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as "the Community",

THE SIGNATORY STATES TO THIS AGREEMENT,

hereinafter referred to as "the participating non-member States",

Whereas a Community-COST concertation agreement on a concerted action project in the field of the effect of processing on the physical properties of foodstuffs (COST Project 90) was concluded between the Community and some non-member States involved in European Cooperation in the field of Scientific and Technical Research (COST) on 27 March 1980 and expired on 24 February 1981;

Whereas the abovementioned concerted action project has produced very encouraging results;

Whereas by its Decision of                      the Council of the European Communities adopted a second Community concerted action project in the field of the effect of processing on the physical properties of foodstuffs;

Whereas the Member States of the Community and the participating non-Member States, hereinafter referred to as "the States", intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A and are prepared to integrate such research into a process of concertation which they consider will be of mutual benefit;

Whereas the implementation of the research covered by the concerted action project will require a financial contribution of approximately 20 million ECU from the States,

HAVE AGREED AS FOLLOWS:

#### Article 1

The Community and the participating non-member States, hereinafter referred to as "the Contracting Parties", shall participate for a period extending until                      in a concerted action project in the field of the effect of processing on physical properties of foodstuffs.

This project shall consist in concertation between the Community concerted action programme and the corresponding programmes of the participating non-member States. Research areas covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

#### Article 2

Concertation between the Contracting Parties shall be effected through a Community-COST Concertation Committee, hereinafter referred to as "the Committee".

The Committee shall draw up its rules of procedure. Its Secretariat will be provided by the Commission of the European Communities, hereinafter referred to as "the Commission".

The terms of reference and the composition of this Committee are defined in Annex B.

#### Article 3

In order to ensure optimum efficiency in the execution of this concerted action project, a project leader shall be appointed by the Commission in agreement with the delegates of the participating non-member States on the Committee.

#### Article 4

The maximum financial contribution by the Contracting Parties to the coordination costs for the period referred to in the first paragraph of Article 1 shall be:

- 670,000 ECU from the Community,
- 67,000 ECU from each participating non-member State.

The ECU is that defined by the Financial Regulation in force applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of the Agreement are set out in Annex C.

#### Article 5

1. Through the Committee, the States shall exchange all useful information resulting from the execution of the research covered by the concerted action project. They shall also endeavour to provide information on similar research planned or carried out by other bodies. Any information shall be treated as confidential if the State which provides it so requests.
2. In agreement with the Committee, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.
3. At the end of the concertation period, the Commission shall, in agreement with the Committee, forward to the States a general report on the execution and results of the project. This report shall be published by the Commission six months after it has been forwarded, unless a State objects. In that case the report shall be treated as confidential and shall be forwarded, on request and with the agreement of the Committee, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action project.



## Article 6

1. This Agreement shall be open for signature by the Community and by the non-member States of that Community which took part in the Ministerial conference held in Brussels on 22 and 23 November 1971.
2. As a condition precedent to its participation in the concerted action project defined in Article 1, each of the Contracting Parties shall, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.
3. For the Contracting Parties which have transmitted the notification provided for in paragraph 2, this Agreement shall come into force on the first day of the month following that in which the Community and at least one of the participating non-member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties which have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications provided for in paragraph 2 and of the date of entry into force of this Agreement.

## Article 7

This agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-member States."

Article 8

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

RESEARCH AREAS COVERED BY THE AGREEMENT

1. Mechanical properties: (1)
  - (a) integral solids,  
e.g. density, porosity, stress, strain, fracture
  - (b) particulates, e.g. powders, agglomerates
2. Diffusional properties: (1)
  - (a) diffusion of water and water vapor
  - (b) diffusion of solutes, e.g. salt, sugars
  - (c) diffusion of volatiles, e.g. aromas
3. Electrical and optical properties: (1)
  - (a) dielectric properties
  - (b) visible, ultraviolet and infra-red
4. Continuation of the collection of data (on rheology, sorption and thermal properties).
5. Conclusion of research related to rheology, sorption and thermal properties.

- (1) Related to the intention to define general standard methodology taking into account the possible influence of the different parameters.

Terms of reference and composition of the Community-COST Concertation Committee on the effect of processing on the physical properties of foodstuffs

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1. The Committee shall:

- 1.1. contribute to the optimum execution of the project by giving its opinion on all aspects of its progress;
- 1.2. evaluate the results and draw conclusions regarding their application;
- 1.3. be responsible for the exchange of information provided for in Article 5 (I) of the Agreement;
- 1.4. suggest guidelines to the project leader;
- 1.5. have the right to set up, in respect of each of the research topics defined in Annex A, a subcommittee to ensure that the programme is properly implemented.

2. The reports and the opinions of the Committee shall be communicated to the States.

3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-Member State, one delegate from each Member State representing its national programme and the project leader. Each delegate may be accompanied by experts.

FINANCING RULES

## Article 1

These provisions lay down the financial rules referred to in Article 4 of the Community-COST Concertation Agreement.

## Article 2

At the beginning of each financial year, the Commission shall send to each of the participating non-Member States a call for funds corresponding to its share of the annual coordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-Member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper.

Each participating non-Member State shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-Member State concerned at a rate equal to the highest discount rate ruling in the States on the due date. The rate shall be increased by 0.25 of a percentage point for each month of delay. The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

Article 3

The funds paid by participating non-Member States shall be credited to the concerted action project as budget receipts allocated to a heading in the statement of the expenditure of the Budget of the European Communities (section Commission).

Article 4

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is annexed.

Article 5

The Financial Regulation in force applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 6

At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the participating non-Member States for information.

## PROVISIONAL TIMETABLE FOR THE CONCERTED ACTION PROJECT EFFECT OF PROCESSING ON THE PHYSICAL PROPERTIES OF FOODSTUFFS

(COST PROJECT 90 bis)

	1982		1983		1984		1985		(in ECU) TOTAL	
	AC	AP	AC	AP	AC	AP	AC	AP	AC	AP
1. Initial estimate of overall requirements										
- Staff	46,000	46,000								
- Administrative operating expenditure	50,000	50,000	160,000	160,000	175,000	175,000	189,000	189,000	670,000	670,000
- Contracts	50,000	50,000								
TOTAL	146,000	146,000	160,000	160,000	175,000	175,000	189,000	189,000	670,000	670,000
2. Revised estimate of expenditure taking into account additional requirements arriving from the accession of participating non-Member States										
- Staff										
- Administrative operating expenditure	146,000(1+ $\frac{n}{10}$ )	146,000(1+ $\frac{n}{10}$ )	160,000(1+ $\frac{n}{10}$ )	160,000(1+ $\frac{n}{10}$ )	175,000(1+ $\frac{n}{10}$ )	175,000(1+ $\frac{n}{10}$ )	189,000(1+ $\frac{n}{10}$ )	189,000(1+ $\frac{n}{10}$ )	670,000(1+ $\frac{n}{10}$ )	670,000(1+ $\frac{n}{10}$ )
- Contracts										
3. Difference between 1 and 2 to be covered by contribution from participating non-Member States	$\frac{n}{10}$ 146,000	$\frac{n}{10}$ 146,000	$\frac{n}{10}$ 160,000	$\frac{n}{10}$ 160,000	$\frac{n}{10}$ 175,000	$\frac{n}{10}$ 175,000	$\frac{n}{10}$ 189,000	$\frac{n}{10}$ 189,000	$\frac{n}{10}$ 670,000	$\frac{n}{10}$ 670,000

n = number of participating non-Member States

AC = account credited

AP = account paid